

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
AT NASHVILLE, TENNESSEE

REC'D TN  
REGULATORY AUTH.  
'99 MAY 27 PM 12 55

IN RE: AT&T Communications of the )  
South Central States, Inc.'s Petition for the )  
Establishment of an Independent Third )  
Party Testing Program of BellSouth's )  
Operational Systems )

DOCKET NO. 99-00347  
OFFICE OF THE  
EXECUTIVE SECRETARY

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**COMMENTS OF CONSUMER ADVOCATE DIVISION**

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The Consumer Advocate Division of the Office of the Attorney General and Reporter hereby submits the following comments on AT&T Communications of the South Central States, Inc.'s Petition for the Establishment of an Independent Third Party Testing Program of BellSouth's Operational Systems as requested in the Tennessee Regulatory Authority's May 19, 1999 Notice.

The Consumer Advocate Division supports AT&T's request that the Authority convene a proceeding to initiate an independent third party testing program of the operational support systems (OSSs) provided by BellSouth Telecommunications, Inc. for competitive local exchange carriers (CLECs). The Consumer Advocate Division agrees with Chairman Malone that "equal operational interfaces are essential to the establishing an environment in which competition has a chance to flourish." [AT&T Petition at 3] The necessity for such an interface is essential to achieving the goal of permitting competition in all telecommunications services markets as stated in Tenn. Code. Ann. § 65-4-123 and complying with Section 251 of the federal Telecommunications Act of 1996. It should not be viewed simply as an item to be checked off

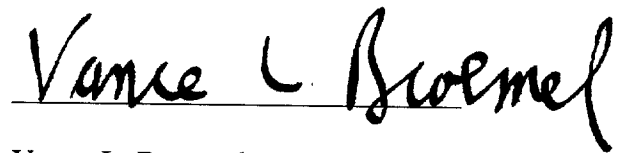
the list of requirements that BellSouth must meet before being allowed to enter the in-region interLATA market in Tennessee in accordance with Section 271 of the Telecommunications Act. The ability of the CLECs to access and interconnect their customers with the BellSouth network on a basis that is equivalent to that used by BellSouth is a vital element in the development of effective competition.

A major portion of the hearing in docket 97-00309 [*BellSouth Telecommunications, Inc.'s Entry into Long Distance (InterLATA) Service in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996*] was devoted to addressing the adequacy of the CLECs' access to BellSouth's operational support system. While BellSouth argued and attempted to support the position that it was providing access consistent with the provisions of the Telecommunications Act of 1996, the CLECs argued and presented testimony in an attempt to show that adequate access was not being provided. The absence of standards for measuring compliance with the Act and the lack of an independent third party that could provide credible testimony concerning what capabilities were actually being provided resulted in the Authority being faced with less than the desired level of evidence needed to make an informed decision. While there was an abundance of anecdotal testimony addressing BellSouth's failure to provide the desired level of service to the CLECs, consistent statistical data was not provided that would allow an adequate evaluation of the actual problems. While the parties generally agreed that BellSouth had made some progress in providing the CLECs access to portions of its OSS, a concise picture of actual capabilities being provided and the deficiencies that must be corrected was not presented.

The general procedure proposed by AT&T is a logical method that the Authority can

use to obtain the necessary information needed to properly evaluate BellSouth's compliance with the requirement that it provide CLECs adequate access. Accordingly, the Consumer Advocate Division supports AT&T's request in principle, and urges the Authority to convene the proceeding as requested.

Respectfully Submitted,

A handwritten signature in black ink that reads "Vance L. Broemel". The signature is written in a cursive style and is positioned above a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Comments of Consumer Advocate Division was served on the parties listed below by mail on this the 27<sup>th</sup> day of May, 1999.

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